

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE P.O. Box 83720, Boise, Idaho 83720-0036

Docket No. **16-0304-0101**, Rules Governing the Food Stamp Program in Idaho. Gives participants right to receive Food Stamps within 7 days if eligible for expedited services; a household in which all adult members are elderly or disabled and whose income is stable must be certified up to 24 months; creates new standards for establishing and collecting food stamp recipient claims from households who received over payments or misused food stamp benefits. Comment By: 1/24/01.

Docket No. **16-0305-0101**, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled. Adds a prohibition and penalty for transfer of resources by a person applying for or receiving cash payments through AABD; provides conditions a personal service contract must meet to be exempt from the asset transfer penalty for nursing home care and eligibility for Medicaid under a HCBS waiver; adds definition of Fair Market Value; conversion or sale of a resource is a resource, not income; excludes interest on excluded burial funds; an asset cannot be counted as income and a resource in the same month; participant retains, for personal use, the \$20 standard income disregard and the earned income disregards of the first \$65 plus 1/2 of the remaining earnings; children in the Certain Disabled Children Medicaid group must be “cost-effective” to qualify for Medicaid; and a person applying for Medicaid as a Qualified Disabled and Working Individual must not be eligible for any other type of Medicaid. Comment By: 1/24/01.

Docket No. **16-0305-0102**, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled. Divides the 2001 Social Security cost-of-living adjustment between the Basic Allowance and the Care Allowance for people in assisted living, certified family homes and board and room homes and resident retains the Basic Allowance for personal use; and deletes obsolete text on the schedule for implementing the waiver for HCBS for the Aged and Disabled. Comment By: 1/24/01.

Docket No. **16-0308-0101**, Rules Governing Temporary Assistance for Families in Idaho. Changes comply with state law requiring screening of all applicants and recipients for substance abuse; also limits Career Enhancement payments to only one payment of either CE or Emergency Assistance to Needy Families and Children within a 12 month period and requires that recipient of the payment be either employed or participating in a work program. Comment By: 1/24/01.

Docket No. **16-0506-0101**, Rules Governing Mandatory Criminal History Checks. Repeal of chapter. Comment By: 1/24/01.

Docket No. **16-0506-0102**, Rules Governing Mandatory Criminal History Checks. Rewrite of chapter. Clarifies and expedites the process of the criminal history check, the exemption review process, and the working definitions; expands the list of crimes for which there will be an automatic denial. Comment By: 1/24/01.

IDAPA 18 – DEPARTMENT OF INSURANCE P.O. Box 83720, Boise, Idaho 83720-0043

Docket No. **18-0154-0101**, Rules to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act. Changes adopt federal standards necessary for retaining Certification of State Medigap Regulatory programs; updates requirements for the guaranteed issue provisions; expands eligibility for guaranteed issue to include individuals who are 65 years of age or older and enrolled in the Program for All-inclusive Care for the Elderly (PACE) who meet qualifications; allows disabled beneficiaries entitled to Medicare benefits by reason of disability under the Social Security Act and covered under a group health plan the right to suspend benefits and premiums under a Medigap policy; and clarifies provisions under the hospital prospective payment system. Comment By: 1/26/01.

Docket No. **18-0169-0101**, Rule to Implement the Small Employer Health Insurance Availability Act. Clarifies the administrative appeals process; conforms to changes in state law under HB 750; deletes duplicate information; and includes requirements pertaining to “certification of creditable coverage” under the federal Health Insurance Portability and Accountability Act. Comment By: 1/26/01.

Docket No. **18-0170-0101**, Rule to Implement the Small Employer Health Insurance Availability Act Plan Design. Amends health benefit plans limitations and exclusions to comply with requirements of the federal Women's Health and Cancer Rights Act; amends coordination of benefits provisions to conform to IDAPA 18.01.74, “Coordination of Benefits,” which defines the application of coordination of benefit provisions. Comment By: 1/26/01.

Docket No. **18-0172-0101**, Rule to Implement the Individual Health Insurance Availability Act. Changes comply with Title 41, Chapters 52 and 55, Idaho Code, based on the provisions of HB 750; and clarifies requirements of the "certification of creditable coverage" to insured's as reflected in state law. Comment By: 1/26/01.

Docket No. **18-0173-0101**, Rule to Implement the Individual Health Insurance Availability Act Plan Design. Changes reflect four new health benefit plan designs, defined benefits, exclusions and limitations for the basic, standard, catastrophic A and catastrophic B. Comment By: 1/26/01.

**IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 N. Hilton, Boise, Idaho 83706-1255**

Docket No. **58-0101-9905**, Rules for the Control of Air Pollution in Idaho. Amends the registration fees for Tier 1 sources; Title V establishes a "presumptive minimum" fee amount to pay for the costs of maintaining Title V program activities; the fee structure is revised to a three-part fee structure - annual registration fee, annual fee per ton with a fee cap, and fee for modification or renewal of a Tier 1 permit - that uses a sliding scale based on annual emissions; requires that the fee structure be reviewed every 2 years to assure that the fund meets the presumptive minimum as defined by the EPA. Comment By: 1/24/01.

Docket No. **58-0101-0102**, Rules for the Control of Air Pollution in Idaho. Revises the Department's petroleum remediation policy dealing with the rapid and effective remediation of petroleum spills and leaks into soil and ground water to avoid a potential conflict with Section 513 which deals with good engineering practices and dispersion techniques in permitting sources with stacks. Change allows the Department to continue to consider certain dispersion techniques that are now integrated into the Department's petroleum remediation policy. Comment By: 2/07/01.

**IDAPA 59 – PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO
P.O. Box 83720, Boise, Idaho 83720-0078**

Docket No. **59-0108-0101**, PERSI Gain Sharing Rules. New chapter allows the Retirement Board to allocate extraordinary earnings in the PERSI defined benefit plan subject to certain restrictions and limitations. The allocation of extraordinary earnings is also described as gain sharing. Under the statutory structure, if extraordinary gains exist, the board has discretion to determine whether any or all of the gains will be allocated. If allocated, they are allocated to three groups identified in the statute – active members, retirees, and employers. These rules set forth definitions, how extraordinary gains will be determined, how the allocations will be made between each group, and within each group. It includes both minimum and maximum limits for allocations. Comment By: 1/24/01.

PUBLIC HEARINGS – Public Hearings Have Been Scheduled For The Following Dockets:

Department of Environmental Quality

Docket No. **58-0101-9905**, Rules for the Control of Air Pollution in Idaho – Comment By: 1/24/01.

Docket No. **58-0101-0101**, Rules for the Control of Air Pollution in Idaho – Comment By: 1/24/01.

Docket No. **58-0101-0102**, Rules for the Control of Air Pollution in Idaho – Comment By: 2/7/01.

PUBLIC COMMENT PERIOD - The Public Comment Period For The Following Docket Has Been Extended:

Department of Environmental Quality - Docket No. **58-0123-0101**, Rules of Administrative Procedure Before the Board of Environmental Quality - Comment deadline: 4/15/01.

Please refer to the Idaho Administrative Bulletin, **January 3, 2001, Volume 01-1** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

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